THE HON'BLE MR JUSTICE L. NARASIMHA REDDY

Writ Petition No.3770 of 2007

Dated 27th February 2007

Between:

Smt.V.Krishna Kumari

…Petitioner

and

The Additional Registering Authority,
(Regional Transport Officer),
Regional Transport Authority, Gudivada,
Krishna District & others

…Respondents

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Writ Petition No.3770 of 2007

ORDER:

The petitioner is the owner of a vehicle bearing registration No.AP-16Y-7555. The Assistant Motor Vehicle Inspector, Kothur Check Post, Krishna District, the 2nd respondent herein, seized the same on 24-02-2007 under a vehicle check report. As many as six defects were pointed out. The prominent among them are, that the driver of the vehicle has not produced R.C., permit, and that he drove the vehicle without any valid driving licence. The petitioner seeks release of the vehicle.

Heard the learned counsel for the petitioner and learned Government Pleader for Transport.

The Motor Vehicles Act (for short '*the Act*') and the Rules made thereunder prescribes the procedure for determination of lapses, if any, committed by the owners of the vehicle, and the

consequences that flow from such determination. According to the petitioner, notice under any provision of the Act has not yet been issued.

The question, as to whether the lapses pointed out in the vehicle check report are true or not, needs to be decided in the proceedings, that may be initiated in accordance with the relevant provisions of law. Continued detention and seizure of the vehicle does not advance the purpose, or interest of the respondents. On the other hand, it would expose to theft of parts, and damage. The interest of the respondents can be protected by directing that the vehicle of the petitioner be released, subject to certain conditions.

Hence, the writ petition is disposed of, directing that the respondents shall release the vehicle bearing No.AP-16Y-7555 to the petitioner on her paying a sum of Rs.20,000/- (Twenty thousand only). She shall also file an undertaking to the effect that she shall produce the vehicle as and when necessary, and that she shall not alienate the same, in the meanwhile.

There shall be no order as to costs.

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L. NARASIMHA REDDY, J.

Dt.27-02-2007.

Note: Operative portion by wire.
PAN